

IC 16-27

ARTICLE 27. HOME HEALTH AGENCIES

IC 16-27-0.5

Chapter 0.5. Home Health Care Services and Hospice Services Council

IC 16-27-0.5-1

Establishment; appointment of members; term of office; pecuniary interest limitation

Sec. 1. (a) The home health care services and hospice services council is established.

(b) The council consists of sixteen (16) members as follows:

(1) One (1) licensed physician experienced in home health care.

(2) One (1) licensed physician with certification in hospice and palliative medicine.

(3) Four (4) individuals as follows:

(A) One (1) individual engaged in the administration of a nonhospital based home health agency.

(B) One (1) individual engaged in the administration of a hospital based home health agency.

(C) One (1) individual engaged in the administration of:

(i) a nonhospital based hospice; or

(ii) a hospice licensed under IC 16-25-3 that provides in-patient care.

(D) One (1) individual engaged in the administration of a hospital based hospice.

(4) One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.

(5) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.

(6) One (1):

(A) physical therapist licensed under IC 25-27;

(B) occupational therapist certified under IC 25-23.5; or

(C) speech-language pathologist licensed under IC 25-35.6; experienced in home health care.

(7) One (1) citizen having knowledge of or experience in hospice care.

(8) One (1) citizen having knowledge of or experience in home health agency care.

(9) One (1) registered pharmacist who is licensed under IC 25-26 with experience in hospice and palliative medicine.

(10) One (1) respiratory care practitioner who is licensed under IC 25-34.5 and experienced in home care.

(11) One (1) individual who is a bereavement counselor with experience in hospice care.

(12) The commissioner or the commissioner's designee.

(13) The secretary of family and social services or the secretary's designee.

(c) The governor shall appoint the members of the council

designated by subsection (b)(1) through (b)(11).

(d) Except for the members of the council designated by subsection (b)(12) through (b)(13), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(e) Except for the members of the council designated by subsection (b)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a home health agency licensed under this article or a hospice licensed under IC 16-25.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-2

Expenses; per diem; traveling expenses

Sec. 2. (a) The state department shall pay the expenses of the council.

(b) A member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-3

Appointment of chair and vice chair

Sec. 3. The governor shall appoint one (1) council member to serve as chair and one (1) council member to serve as vice chair.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-4

Secretary

Sec. 4. The director serves as secretary to the council.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-5

Meetings

Sec. 5. (a) The council shall meet at least four (4) times a year.

(b) Special meetings of the council shall be called by the chair upon the written request of four (4) members of the council.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-6

Quorum; procedures

Sec. 6. (a) Nine (9) members of the council constitute a quorum for the transaction of all business of the council. The affirmative votes of a majority of the voting members appointed to the council are required for the council to take action on any measure.

(b) The council shall establish procedures to govern the council's deliberations.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-7

Duties

Sec. 7. Subject to the rulemaking authority granted in IC 16-25 and IC 16-27, the council shall do the following:

(1) Propose the adoption of rules by the state department under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(B) Qualifications of applicants for licenses issued under IC 16-25 and IC 16-27.

(2) Recommend to other state agencies or governing bodies rules necessary to protect the health, safety, security, rights, and welfare of home health care patients and hospice patients.

(3) Act as an advisory body for the division, state health commissioner, and state department.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-8

Recommend interpretive guidelines

Sec. 8. The council may recommend interpretive guidelines when necessary to assist a home health agency or hospice in meeting the requirements of a rule.

As added by P.L.12-2004, SEC.5.

IC 16-27-0.5-9

Request by department; consideration by executive board; adoption of rules

Sec. 9. (a) The state department may request the council to propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of the home health care patients and hospice patients. If the council does not propose a rule within ninety (90) days after the state department's request, the state department may propose the rule.

(b) The executive board shall consider rules proposed by the council under this section and section 7 of this chapter. The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.

(c) To become effective, all rules proposed by the council under this chapter must be adopted by the executive board in accordance

with IC 4-22-2.

As added by P.L.12-2004, SEC.5.